

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Vivian Alberts
App. No : 10/568,227
Filed : May 17, 2006
For : METHOD FOR THE PREPARATION
OF GROUP IB-III-A-VIA
QUATERNARY OR HIGHER ALLOY
SEMICONDUCTOR FILMS
Examiner : Singal, Ankush K.
Art Unit : 2895
Conf No. : 6275

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The present paper is submitted in response to the Office Action electronically delivered on November 25, 2008. Claims 1-94 are currently pending.

In the Office Action the Examiner required restriction of prosecution to one of eight identified Species. Applicant does not agree with the Examiner's characterization of the species. The Examiner incorrectly paraphrases the language of various claims when describing Species I-VIII. For example, the Examiner characterizes Species II (Claims 5-7 and 51-53) to "include[s] the metal film of step (i) comprises a mixture of Cu and In only *in the absence of Ga*". O.A. page 2 (emphasis added). This statement clearly contradicts the language of Claims 5-6 and 51-52. Claim 5 recites "wherein the metal film of step (i) comprises a mixture of metals selected from the group consisting of Cu, In and Ga." Claim 6 depends from Claim 5 and further recites "wherein the metal film of step (i) is a Cu—In—Ga alloy metal film." Claim 51 recites "wherein

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the metal film of step (i) comprises a mixture of metals selected from the group consisting of Cu, In and Ga.” Claim 52 depends from Claim 51 and further recites “wherein the metal film of step (i) is a Cu—In—Ga alloy metal film.” Thus, Claims 5-7 should be included in Species I.

The Examiner characterizes Species I to include “providing a metal film comprising a mixture of group IB and IIA metals and a first film comprising a mixture of at least one binary alloy selected from the group consisting of a group IB-VIA1 alloy and a group and a group IIA-VIA1 alloy; and at least one group IB-IIA-VIA1 ternary alloy”. The Examiner characterizes Species V to include “a method for producing a group IB-IIA-VIA quaternary alloy semiconductor film, the method comprising the steps of providing a metal film comprising a mixture of group IB and group IIA metals”.

Thus, the Examiner’s characterization of Species I would also include Species V, as characterized by the Examiner. Therefore, in view of the Examiner’s characterization of Species V, Applicant respectfully submits that Species I and V should be examined together.

Applicant also notes that Claim 44 is generic to Species V-VIII and Claims 72-94 and that Claims 45-94 depend from Claim 44. Further, Applicant again notes that Claim 1 is currently generic to Species I-IV (Claims 1-43). Thus, inclusion of Claims 25-43 in the examined Species would add little if any additional search burden.

As a proper search for art related to Species I-VIII would necessarily include searching in the same class, would not require a different field of search, and thus would not present a serious search and examination burden, Applicant asks the Examiner to reconsider this matter and withdraw the restriction requirement between the species.

Nevertheless, in order to be responsive to the Restriction Requirement, Applicant elects the claims of Species I for further examination, with traverse. Applicant notes that Claim 1 is currently generic to Claims 2-43. Upon allowance of a generic claim, Applicant requests reinstatement of any relevant claims that have been withdrawn.

Applicant reserves the right to file one or more divisional applications directed to the non-elected claims.

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No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Docket No.	Serial No.	Title	Filed
DMKISCH.003APC	10/568,229	GROUP I-III-VI QUATERNARY OR HIGHER ALLOY SEMICONDUCTOR FILMS	02/14/2006

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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